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Attorney General Frosh Joins Brief Filed in U.S. Supreme Court Supporting Effort to Terminate Harmful Immigration Policies and to Protect Federal Parole Power

BALTIMORE, MD (March 21, 2022) – Maryland Attorney General Brian E. Frosh today joined a coalition of 18 attorneys general in filing an [amicus brief](#) urging the U.S. Supreme Court to reverse a lower court’s decision requiring the federal government to continue the Migrant Protection Protocols (MPP), also known as the “Remain in Mexico” immigration policy.

The MPP generally requires most asylum seekers arriving at the U.S.-Mexico border to return to Mexico while awaiting their asylum hearings in U.S. immigration court. Individuals returned to Mexico face dangers, including unsanitary living quarters, family separation, and physical violence. The Biden administration attempted to end this policy, but a Texas-based federal court ordered the administration to continue it.

The coalition filed the brief in *Biden v. Texas*, supporting the administration’s efforts to terminate the MPP by asking the U.S. Supreme Court to overturn the Court of Appeals’ decision. The coalition focuses on one particular aspect of the lower court’s decision: its holding that the executive branch lacks the authority to exercise its “parole” power to allow asylum seekers into the United States, rather than detaining them or returning them to Mexico. The coalition argues that this decision runs contrary to decades of administrative practice, and would have significant consequences for states and their residents, many of whom relied on parole to first enter the United States.

“The Migrant Protection Protocols, enacted under the Trump administration, are a set of cruel and inhumane policies,” said Attorney General Frosh. “We assert that the Biden administration does have the power to allow asylum seekers to remain in the United States, and has had long-standing authority to do so. Sending those seeking refuge to certain danger in another foreign country is abhorrent.”

In today’s brief, the coalition explains that the executive branch has long exercised its discretion to parole individuals into the United States in a wide range of contexts, ranging from asylum seekers who present themselves at the U.S.-Mexico border, to individuals fleeing natural disasters, to family members of U.S. servicemembers. The coalition argues that the Court of

Appeals' decision threatens this longstanding exercise of enforcement discretion not only at the U.S.-Mexico border, but in other contexts as well. The attorneys general explain that affirming the lower court's order would impede the executive branch's authority to provide protection in the United States to individuals with compelling humanitarian needs.

Additionally, the coalition argues that the decision would harm states and members of their communities, including those who have relied on parole programs in the past. Immigrants attend school, enlist in the military, fill important jobs, and add billions of dollars to federal, state and local economies by paying taxes and spending their income. The coalition argues that affirming the lower court's narrow reading of the parole power would have significant consequences for states, many of whose residents first entered the United States via some form of immigration parole, and would thus harm their communities at large.

Joining Attorney General Frosh in the brief are the attorneys general of California, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, and Vermont.

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